

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 18-CR-120 (ADM/KMM)

---

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**DEFENDANT'S PRETRIAL  
MOTION FOR EARLY  
DISCLOSURE OF JENCKS  
ACT MATERIAL**

DWIGHT FREDERICK BARNES,

Defendant.

---

Pursuant to Rule 12 of the Federal Rules of Criminal Procedure, the Defendant moves this Court for an order requiring the government to disclose all statements and reports within the meaning of the Jencks Act, 18 U.S.C. 3500, on the following grounds:

1. Although the clear provisions of section 3500 do not require the government to produce Jencks Act material until after a witness testifies at trial on direct examination, the defendant suggests that this Court has the inherent power to require the government to produce Jencks Act material prior to trial unless the government can convince the Court that there is some legitimate governmental interest in not doing so.

2. The production of Jencks Act material at trial may necessitate extensive delays during trial to allow defense counsel an opportunity to review such material prior to cross-examination of government witnesses. Absent a showing of possible witness harassment or some other valid governmental interest, this court should exercise its inherent power and require early production of Jencks

Act material in order to facilitate orderly presentation of the government's case at trial.

This motion is made upon all files, records and proceedings herein.

Dated: November 15, 2018

Respectfully submitted,

s/ Andrew S. Garvis

Andrew S. Garvis, Att'y #257989

Koch and Garvis, LLC

3109 Hennepin Avenue South

Minneapolis, MN 55408

612-827-8101

andrew@uptownlawyer.com